

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

OCT - 6 2005

DOCKET NO. 1657

FILED
CLERK'S OFFICE

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE VIOXX PRODUCTS LIABILITY LITIGATION

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-26)

On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 1,668 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

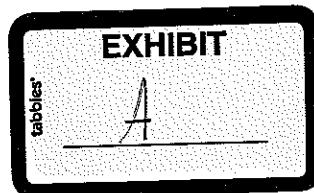
It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Fallon.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of February 16, 2005, 360 F Supp.2d 1352 (JPM L. 2005), and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Michael J. Beck
Michael J. Beck
Clerk of the Panel



**SCHEDULE CTO-26 - TAG-ALONG ACTIONS
DOCKET NO. 1657
IN RE VIOXX PRODUCTS LIABILITY LITIGATION**

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
ALABAMA MIDDLE ALM 2 05-880 ALM 3 05-849	Theatus Rawdon Beaty v. Merck & Co., Inc., et al. Ruth Baldwin, etc. v. Merck & Co., Inc., et al.
ALABAMA SOUTHERN ALS 1 05-525	Hazel C. Howell v. Merck & Co., Inc., et al.
CALIFORNIA CENTRAL CAC 2 05-6560	Ron Clausen, et al. v. Merck & Co., Inc.
CALIFORNIA NORTHERN CAN 3 05-3656	Kenneth Madfes, et al. v. Merck & Co., Inc.
FLORIDA SOUTHERN FLS 1 05-22503	Ronald Strauss, et al. v. Merck & Co., Inc.
IDAHO ID 2 05-361	Betty Carolyn Struckmeyer, et al. v. Merck & Co., Inc.
ILLINOIS CENTRAL ILC 2 05-2202	Charles Cramer, et al. v. Merck & Co., Inc.
ILLINOIS NORTHERN ILN 1 05-5088 ILN 1 05-5136 ILN 1 05-5198 ILN 3 05-50178	Freddie S. Gilmer, Sr. v. Merck & Co., Inc. Wanda Hill, etc. v. Merck & Co., Inc. Delores M. Gough, et al. v. Merck & Co., Inc. Rosetta Bryant v. Merck & Co., Inc.
ILLINOIS SOUTHERN ILS 4 05-4170	Gary Grizzell v. Merck & Co., Inc., et al.
INDIANA NORTHERN INN 3 05-567 INN 3 05-568 INN 3 05-573	Barbara M. Lewallen, et al. v. Merck & Co., Inc. Billy J. Milan, et al. v. Merck & Co., Inc. Deborah Ann Snyder, et al. v. Merck & Co., Inc.
KENTUCKY EASTERN KYE 2 05-170 KYE 2 05-172 KYE 2 05-173 KYE 2 05-174 KYE 5 05-378	Joan Ann Muth, et al. v. Merck & Co., Inc. Edward Berkshire, et al. v. Merck & Co., Inc. Linda K. Stuck, et al. v. Merck & Co., Inc. Carole L. Warner v. Merck & Co., Inc. Velma J. Miller, etc. v. Merck & Co., Inc.
KENTUCKY WESTERN KYW 4 05-133	Roger D. Hayse, et al. v. Merck & Co., Inc.
LOUISIANA MIDDLE LAM 3 05-1059	James B. Arnold, et al. v. Merck & Co., Inc.

SCHEDULE CTO-26 TAG-ALONG ACTIONS (MDL-1657)

PAGE 2 of 4

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
MINNESOTA	
MN 0 05-2116	Darlene J. Shaver v. Merck & Co., Inc.
MN 0 05-2117	Carolyn L. Williams v. Merck & Co., Inc.
MISSOURI EASTERN	
MOE 4 05-1353	Bertha Marie Mitchell v. Merck & Co., Inc.
MOE 4 05-1354	Julie Thompson v. Merck & Co., Inc.
MOE 4 05-1373	Thelma Reed, et al. v. Merck & Co., Inc.
MOE 4 05-1378	Mollie Knox v. Merck & Co., Inc.
MOE 4 05-1379	Janet Lemmon v. Merck & Co., Inc.
MOE 4 05-1380	Sharion Mitchell v. Merck & Co., Inc.
MOE 4 05-1463	Evelyn Light, et al. v. Merck & Co., Inc., et al.
MOE 4 05-1465	Fulton Lacy, et al. v. Merck & Co., Inc., et al.
MOE 4 05-1466	Roberta Sterling, et al. v. Merck & Co., Inc., et al.
MOE 4 05-1482	John G. Gilmore v. Merck & Co., Inc., et al.
MISSOURI WESTERN	
MOW 2 05-4274	Ruby Frances Smith, et al. v. Merck & Co., Inc.
MOW 2 05-4283	Glenda Meysami, et al. v. Merck & Co., Inc.
MOW 4 05-763	Betty White v. Merck & Co., Inc.
MOW 4 05-787	Robert H. Cotter, etc. v. Merck & Co., Inc.
MOW 4 05-823	Jackie Knott, et al. v. Merck & Co., Inc.
MOW 4 05-824	Hugh Graff, et al. v. Merck & Co., Inc.
MOW 4 05-825	Mary Withers, et al. v. Merck & Co., Inc.
MOW 4 05-831	Mary Plubell v. Merck & Co., Inc.
MOW 4 05-841	Donna Smith, et al. v. Merck & Co., Inc.
MOW 4 05-842	Ronald Yahne, et al. v. Merck & Co., Inc.
MOW 4 05-843	Beverly Paith v. Merck & Co., Inc.
MOW 4 05-844	Gerald Holcomb, et al. v. Merck & Co., Inc.
MOW 4 05-845	George Peters, et al. v. Merck & Co., Inc.
MOW 5 05-6092	Louisa Occhipinto v. Merck & Co., Inc.
MISSISSIPPI NORTHERN	
MSN 3 05-110	James R. Cook, Jr., et al. v. Merck & Co., Inc.
MONTANA	
MT 9 05-146	Gary Hoekman v. Merck & Co., Inc., et al.
NORTH CAROLINA EASTERN	
NCE 7 05-160	Eugene Ulysses Taylor, Jr. v. Merck & Co., Inc.
NCE 7 05-161	Bobby Gene Brook v. Merck & Co., Inc.
NEW HAMPSHIRE	
NH 1 05-317	Todd Rohr v. Merck & Co., Inc.
NEW YORK EASTERN	
NYE 1 05-4091	Ruth Boyd, et al. v. Merck & Co., Inc.
NYE 1 05-4284	David Goldner, et al. v. Shelter Rock Orthopedic Group, P.C., et al.
NYE 1 05-4303	Jean Claude Nathan v. Merck & Co., Inc.
NYE 1 05-4304	Anthony Gralio v. Merck & Co., Inc.
NEW YORK SOUTHERN	
NYS 1 05-7999	Millie Pitchford v. Merck & Co., Inc.

SCHEDULE CTO-26 TAG-ALONG ACTIONS (MDL-1657)

PAGE 3 of 4

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
NEW YORK WESTERN NYW 6 05-6475	Brian North v. Merck & Co., Inc., et al.
OHIO NORTHERN OHN 1 05-2136	Charlotte Mahan v. Merck & Co., Inc.
OHIO SOUTHERN OHS 2 05-834	Karen Smith, etc. v. Merck & Co., Inc.
OKLAHOMA NORTHERN OKN 4 05-492	Redina Darlene Sewell v. Merck & Co., Inc.
OKLAHOMA WESTERN OKW 5 05-1056 OKW 5 05-1057 OKW 5 05-1059 OKW 5 05-1079 OKW 5 05-1080	Betty Bridges v. Merck & Co., Inc. Joyce Zind v. Merck & Co., Inc. Phyllis Miller v. Merck & Co., Inc. George Seminoff, et al. v. Merck & Co., Inc. Jackie Harper, etc. v. Merck & Co., Inc.
PENNSYLVANIA EASTERN PAE 2 05-3785 PAE 2 05-4577 PAE 2 05-4578 PAE 2 05-4713 PAE 2 05-4740 PAE 2 05-4825 PAE 2 05-4840 PAE 2 05-4917 PAE 2 05-4924	James Schneller, etc. v. Merck & Co., Inc. Dr. Donald Dworken v. Merck & Co., Inc., et al. Norman B LaChance, et al. v. Merck & Co., Inc., et al. Pauline M Dixon v. Merck & Co., Inc. Sharon Kravet, etc. v. Merck & Co., Inc., et al. Kirkwood Dormeyer v. Merck & Co., Inc., et al. Karen Olson, et al. v. Merck & Co., Inc., et al. Althea L. Newman, et al. v. Merck & Co., et al. Thomas N. Pafford, et al. v. Merck & Co., Inc., et al.
SOUTH DAKOTA SD 1 05-1038 SD 1 05-1039	Blanche Lewandowski v. Merck & Co., Inc. Chuck Davis, Sr. v. Merck & Co., Inc.
TENNESSEE EASTERN TNE 1 05-231 TNE 1 05-232 TNE 1 05-233 TNE 1 05-252 TNE 1 05-253 TNE 2 05-222 TNE 2 05-223 TNE 2 05-232 TNE 3 05-430 TNE 4 05-63 TNE 4 05-64	Kenneth Gregory v. Merck & Co., Inc. Frieda Thompson v. Merck & Co., Inc. Dorothy P. Price, et al. v. Merck & Co., Inc. James R. Clayton v. Merck & Co., Inc. James D. Williams v. Merck & Co., Inc. Charlotte R. Young v. Merck & Co., Inc. Michael B. Kelly, et al. v. Merck & Co., Inc. James F. Harper, et al. v. Merck & Co., Inc. Betty S. Hendrickson v. Merck & Co., Inc. James Myers v. Merck & Co., Inc. Thomas Marshall, et al. v. Merck & Co., Inc.
TENNESSEE MIDDLE TNM 1 05-62 TNM 3 05-663 TNM 3 05-689	Mariane Marks, etc. v. Merck & Co., Inc. Beverly Carole Maxwell, et al. v. Merck & Co., Inc. Robert Fontaine Booher, et al. v. Merck & Co., Inc.

SCHEDULE CTO-26 TAG-ALONG ACTIONS (MDL-1657)

PAGE 4 of 4

DIST. DIV. C.A. #CASE CAPTION

TENNESSEE WESTERN

TNW 1 05-1240 Barbara Jean Snider, et al. v. Merck & Co., Inc., et al
 TNW 1 05-1241 James H. Wilbanks, et al. v. Merck & Co., Inc., et al.
 TNW 1 05-1242 Linda Jones, etc. v. Merck & Co., Inc.
 TNW 1 05-1243 Carolyn Butler, etc. v. Merck & Co., Inc., et al.
 TNW 1 05-1251 Brenda J. Smith, etc. v. Merck & Co., Inc.
 TNW 1 05-1252 Sally T. Hatch, et al. v. Merck & Co., Inc., et al.
 TNW 1 05-1254 Mary L. Woods v. Merck & Co., Inc.
 TNW 1 05-1255 Martha Paslay v. Merck & Co., Inc.
 TNW 2 05-2618 Robert Henry Russell, et al. v. Merck & Co., Inc.
 TNW 2 05-2658 Ola Mae Parker v. Merck & Co., Inc.
 TNW 2 05-2659 George Jividen v. Merck & Co., Inc.
 TNW 2 05-2660 Virgie E. Spraggins v. Merck & Co., Inc.

TEXAS EASTERN

TXE 1 05-611 Nadia Jovancicevic, et al. v. Merck & Co., Inc.
 TXE 1 05-640 Jacqueline M. Pugh v. Merck & Co., Inc.
 TXE 2 05-429 Marcia King, etc. v. Merck & Co., Inc.

TEXAS NORTHERN

TXN 2 05-204 Dora Mae O'Hair Brown, et al. v. Merck & Co., Inc.
 TXN 3 05-1827 Margaret Morris v. Merck & Co., Inc.
 TXN 4 05-543 John Dahl v. Merck & Co., Inc.

TEXAS SOUTHERN

TXS 2 05-445 Antonio Salazar, et al. v. Merck & Co., Inc., et al.
 TXS 2 05-450 Ignacio Valdez v. Merck & Co., Inc.
 TXS 2 05-466 Estella Torres v. Merck & Co., Inc.
 TXS 2 05-467 Norma L. Balderas v. Merck & Co., Inc.
 TXS 2 05-468 Mary Alice Terrell v. Merck & Co., Inc.

TEXAS WESTERN

TXW 1 05-688 Mary E. Brewer, et al. v. Merck & Co., Inc.
 TXW 1 05-689 Min Han, et al. v. Merck & Co., Inc.
 TXW 1 05-690 Joseph Murray, etc. v. Merck & Co., Inc.
 TXW 1 05-691 Clyde Crooks, Jr., et al. v. Merck & Co., Inc.
 TXW 1 05-744 Oscar Williams, et al. v. Merck & Co., Inc.
 TXW 1 05-745 Jane M. Thompson v. Merck & Co., Inc.

UTAH

UT 2 05-724 Torgunn Rawle, et al. v. Merck & Co., Inc.
 UT 2 05-731 Merrill Adair, et al. v. Merck & Co., Inc.
 UT 2 05-762 Bjorn Ablad, et al. v. Merck & Co., Inc.

WISCONSIN WESTERN

WIW 3 05-438 James Petrasek v. Merck & Co., Inc.

WEST VIRGINIA SOUTHERN

WVS 2 05-748 Paula J. Goforth, etc. v. Merck & Co., Inc.